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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,697	11/25/2003	Allan P. Thompson	2507-5776.2US (21595-US-0)	6301
24247	7590	01/30/2006	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			DIXON, MERRICK L	
			ART UNIT	PAPER NUMBER

1774

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/721,697

Applicant(s)

THONPSON

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

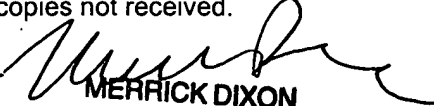
### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
MERRICK DIXON  
PRIMARY EXAMINER

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. The examiner hereby acknowledges the two Terminal Disclosure filed 11-10-05, the rejections of section 2 and 3 of the previous office action are rescinded.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yorgason (US 5280706) in view of Shaw et al (US 4643940).

The cited primary reference teaches the claimed composite article comprising a pre-preg material comprising a reinforcement impregnated with a thermoplastic resin- col 1, lines 15-21; col 3, lines 50-60; col 2, lines 53-60; col 6, lines 6-21; claim 8. The primary reference, although substantially teaches the claimed invention, however, is silent in regards to the article's density. The secondary reference to Shaw et al, however, teaches that it is known in the art to manipulate articles such as taught by the primary reference to obtain desired densities- col 2, lines 33-39. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Shaw et al and so manipulate the resulting article densities via selecting specific types resin/fibers motivated by the desire to obtain specific densities therefor, in the absence of unexpected results. Concerning claims 2 and 3, the primary reference teaches the claimed resin- col 1, lines 63-65. It is

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submitted the reference does not excludes carbon phenolic resin. Concerning claim 4, the primary reference teaches the fiber as claimed- col 1, lines 62-63.

Concerning claim 9, the primary reference teaches rocket-like product- figs 3 and 5. concerning claim 10, the primary reference teaches panel-like product- fig 1; col 7, lines 4-17 ( see secondary reference, col 1, lines 50-52). Concerning claim 7, the secondary reference teaches filler material in col 4, lines 30-31. Concerning claims 11 and 12, the secondary reference teaches manipulation/selection of specific material( reference indeed teaches the same material) to get desired tensile properties. It is submitted that the obvious combined teaching of the references would produce articles possessing similar, if not identical, tensile strength, in the absence of unexpected results.

Concerning claims 5 and 6, the secondary reference teaches similar filaments- col 2, lines 51-53. concerning claim 7, the secondary reference teaches fillers in col 4, lines 30-32. newly submitted claim 13 includes limitations of previously submitted claims 1 and 2 and thus are rejected for reasons as set forth in the previous office action including for reasons as discussed above.

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4. Applicant's arguments filed 11-10-05 have been fully considered but they are not persuasive. Applicants argue that .the combined references as offered by the examiner lacks a motivation to combine them. Applicants argue that the examiner's motivation is conclusory. Applicants further and finally argue that the Yorgason reference fails to teach carbon phenolic resin. The examiner submits that there is no conclusory motivation employed in the employment of the cited references, further, the examiner

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respectfully remind applicants that the examiner acknowledges that the references cannot be arbitrary combined and that there must be some reason why one of ordinary skill in the art would combine the references, however, there is no requirement that a motivation to make the modification expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209( CCPA 1971).

References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case, the combination would have been obvious motivated by a desire to impart desired characteristics/properties to the product. The examiner respectfully remind applicants that the references, respectively, are cited for their teachings as articulated in the office action and not for lacking thereof. In the alternative, the primary reference indeed teach phenolic resin , which it is submitted, does not excludes carbon phenolic resin.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.**

**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

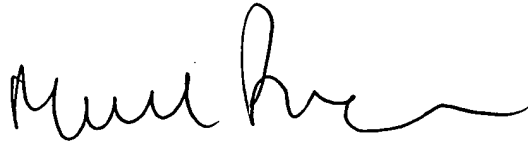
Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

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Any questions concerning the instant communication should be directed to Examiner

Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and

8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a stylized, cursive script.

Merrick Dixon

Primary Examiner

Group 1700